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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
PORTLAND DIVISION**

UNITED STATES OF AMERICA

NO. CR 11-30-MO

v.

SUPERSEDING INDICTMENT

NOE DANIEL MACIAS-FRAUSTO,

18 U.S.C. § 922(g)(5)(A)

Defendant.

**21 U.S.C. §§ 841(a)(1) , 841(b)(1)(B)
and 853**

UNDER SEAL

THE GRAND JURY CHARGES:

Count 1:

[Possession with the Intent to Distribute Methamphetamine]

On or about January 20, 2011, in the District of Oregon, **NOE DANIEL MACIAS-FRAUSTO**, defendant herein, did knowingly and intentionally possess with intent to distribute 50 grams or more of a mixture and substance containing a detectable amount of methamphetamine, a Schedule II controlled substance, all in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(B).

Count 2:
[Alien in Unlawful Possession of a Firearm]

On or about January 5, 2011, in the District of Oregon, **NOE DANIEL MACIAS-FRAUSTO**, defendant herein, then being an alien illegally and unlawfully in the United States, did knowingly and unlawfully possess a firearm, to-wit:

- A. Remington, model 870 Express Magnum, 20 gauge short-barreled shotgun, Serial Number AB055049U;
- B. Remington, model 870 Wingmaster, 12 gauge shotgun, Serial Number T193956V;
- C. Izhmash, model IZH-27EM-1C, 20 gauge shotgun, Serial Number 032702026B;
- D. New England Firearms, model Pardner, 20 gauge shotgun, Serial Number NR291749; and,
- E. Colt, model Official Police MK III, .38 Special revolver, Serial Number 52631J,

which had previously been transported in interstate and foreign commerce; all in violation of Title 18, United States Code, Section 922(g)(5).

Count 3:
[Alien in Unlawful Possession of a Firearm]

On or about December 16, 2010, in the District of Oregon, **NOE DANIEL MACIAS-FRAUSTO**, defendant herein, then being an alien illegally and unlawfully in the United States, did knowingly and unlawfully possess a firearm, to-wit:

- A. Glock, model 19, 9mm semi-automatic handgun, Serial Number SX782;
 - B. Hi Point, model C9, 9mm semi-automatic handgun, Serial Number P1275985;
- and,

C. Springfield, Savage Arms, Model 67F, 12 gauge short-barreled shotgun, with no serial number,
which had previously been transported in interstate and foreign commerce; all in violation of Title 18, United States Code, Section 922(g)(5).

Count 4:
[Alien in Unlawful Possession of a Firearm]

On or about December 9, 2010, in the District of Oregon, **NOE DANIEL MACIAS-FRAUSTO**, defendant herein, then being an alien illegally and unlawfully in the United States, did knowingly and unlawfully possess a firearm, to-wit: a J.C. Higgins, Sears and Roebuck, Model 20, 12 gauge shotgun, with no serial number, which had previously been transported in interstate and foreign commerce; all in violation of Title 18, United States Code, Section 922(g)(5).

Count 5:
[Distribution of Methamphetamine]

On or about December 9, 2010, in the District of Oregon, **NOE DANIEL MACIAS-FRAUSTO**, defendant herein, did knowingly and intentionally distribute five grams or more of methamphetamine (actual), a Schedule II controlled substance, all in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(B).

Count 6:
[Alien in Unlawful Possession of a Firearm]

On or about October 30, 2010, in the District of Oregon, **NOE DANIEL MACIAS-FRAUSTO**, defendant herein, then being an alien illegally and unlawfully in the United States, did knowingly and unlawfully possess a firearm, to-wit:

- A. Ruger, model Vaquero, .45 caliber revolver, Serial Number 55-36395;
- B. Ruger, model Single-Six, .22LR caliber revolver, Serial Number 816131;
- C. Harrington and Richardson, Survival Rifle, .22 Hornet caliber, Serial Number 32279;
- D. Century International Arms, model Tantal Sporter, 5.45 x 39 mm rifle, Serial Number TTL02748; and,
- E. Remington, model 721, .270 caliber rifle, Serial Number 115215,

which had previously been transported in interstate and foreign commerce; all in violation of Title 18, United States Code, Section 922(g)(5).

Count 7:
[Distribution of Methamphetamine]

On or about October 27, 2010, in the District of Oregon, **NOE DANIEL MACIAS-FRAUSTO**, defendant herein, did knowingly and intentionally distribute five grams or more of methamphetamine (actual), a Schedule II controlled substance, all in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(B).

Count 8:
[Distribution of Methamphetamine]

On or about October 2, 2010, in the District of Oregon, **NOE DANIEL MACIAS-FRAUSTO**, defendant herein, did knowingly and intentionally distribute five grams or more of methamphetamine (actual), a Schedule II controlled substance, all in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(B).

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Criminal Forfeiture Allegation:
[Narcotics Offense]

Upon conviction of a controlled substance offense listed above in Counts 1, 5, 7 and 8, **NOE DANIEL MACIAS-FRAUSTO**, defendant herein, shall forfeit to the United States pursuant to Title 21, United States Code, Section 853, any property constituting or derived from, proceeds obtained, directly or indirectly, as a result of the said violations and any property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of the said violations, including but not limited to: \$1,155.00 in United States Currency.

DATED this 23 day of February 2011.

A TRUE BILL.

OFFICIATING FOREPERSON

Presented by:

DWIGHT C. HOLTON, OSB # 09054
United States Attorney


SCOTT M. KERIN, OSB # 965128
JANE H. SHOEMAKER, CSBN 125815
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